

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 08/31/1998	NUMBER 03.01.110
SUBJECT PRISONER/PAROLEE NAME CHANGES	SUPERSEDES 03.01.110 (06/14/82); DOM 1998-18	
	AUTHORITY MCL 711.1; 791.203; 791.206	
	ACA STANDARDS NONE	
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POLICY STATEMENT:

A prisoner or parolee may change his/her name only by court order.

POLICY:

- A. A prisoner or parolee may change his/her name only by court order. Name changes approved by the Department prior to April 1, 1996 based on a notarized affidavit shall continue to be recognized and documented in the same manner as a court ordered name change until the prisoner or parolee has discharged from the Department's jurisdiction. The name will not be recognized if the prisoner or parolee is returned to the Department's jurisdiction after discharge. A prisoner or parolee who changed his/her name pursuant to an affidavit and is being recognized by that name shall be allowed to change back to the commitment name upon written request.
- B. Upon receipt of a probate court order changing the name of a prisoner or parolee, the appropriate records supervisor shall ensure that the new legal name is entered on the Corrections Management Information System (CMIS) as provided in the CMIS Operator's Manual and forward a copy of the court order to the Central Records Division, Office of Planning, Research and Management Information Systems.
- C. If a court order changing the name of a prisoner or parolee is issued by other than a probate court, it shall be forwarded upon receipt to the Administrator of the Office of Policy and Hearings for direction on how to proceed.
- D. The commitment name shall be used on all official Department documents throughout the prisoner's incarceration and parole. A new legal name may be used in correspondence to a prisoner and other communications such as grievance responses. However, the commitment name must be used on all documents which affect the prisoner's sentence, such as a forfeiture or restoration of time, a parole order, and a sentence discharge or termination. Commitment names and legal names shall be cross referenced at the information desk and mail room. All computerized records shall be cross referenced to the extent possible.
- E. The appropriate Correctional Facilities Administration (CFA) or Field Operations Administration (FOA) staff shall prepare a new prisoner identification card, at the prisoner's expense, indicating both the commitment name and the new legal name.
- F. Wardens, the Special Alternative Incarceration (SAI) Administrator, and FOA Regional Administrators, as appropriate, shall ensure that employees having contact with the prisoner or parolee are notified of the name change. Employees notified of the name change should refer to the prisoner or parolee by the new legal name. Failure of an employee to use a new legal name shall not excuse a prisoner or parolee from obeying an order or directive given by an employee using the commitment name. However, prisoners and parolees shall not be forced to refer to themselves by their commitment name if they have a validly adopted new legal name.
- G. If a prisoner or parolee provides verifiable documentation (e.g., an original or certified true copy of a birth certificate, marriage license or court order) establishing that the commitment name is not his/her legal name, the legal name shall be recognized as set forth for a court ordered change.

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- H. A crime victim shall be notified as set forth in PD 01.06.120 "Notification to Crime Victims" whenever the prisoner or parolee who committed the crime against the victim changes his/her name, corrects his/her name as set forth in Paragraph G or reverts to his/her commitment name which was changed by affidavit prior to April 1, 1996.

OPERATING PROCEDURES

- I. The FOA Deputy Director and wardens shall ensure that within 60 days of its effective date procedures implementing this policy directive are developed. Wardens shall forward procedures to the appropriate Regional Prison Administrator, CFA, for approval.

AUDIT ELEMENTS

- J. A Primary Audit Elements List has been developed and will be provided to wardens, FOA Regional Administrators and the SAI Administrator to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

KLM:OPH:08/09/98